



CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



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HISTORIC PRESERVATION BOARD STAFF REPORT

170-176 SE 1st Avenue (A.K.A Lot 1 – Magnolia Place)

Meeting	File No.	Application Type
February 4, 2026	HP-424-2026	Certificate of Appropriateness, Variance and Waiver

REQUEST

The item before the Board is consideration of a Certificate of Appropriateness, Variance and Waiver (HP-424-2026) request for the installation of artificial turf in association with the construction of a new 2-story duplex structure on the property located at **170-176 SE 1st Avenue (A.K.A Lot 1 – Magnolia Place), Old School Square Historic District.**

GENERAL DATA

Owner/Applicant: 130 SE 1st LLC
Location: 170-176 SE 1st Avenue
PCN: 12-43-46-16-R5-000-0010
Property Size: 0.19 Acres
Zoning: Old School Square Historic Arts District (OSSHAD)
LUM: HMU (Historic Mixed Use)
Historic District: Old School Square Historic District (OSSHD)
Adjacent Zoning:

- North: OSSHAD
- East: Central Business District (CBD)
- West: OSSHAD
- South: Multiple Family Residential (RM)

Existing Land Use: Residential
Proposed Land Use: Residential



BACKGROUND AND PROJECT DESCRIPTION

The subject property is known as Lot 1 within the new 5-lot subdivision known as Magnolia Place (F.K.A Downtown Delray Villas). The property is zoned OSSHAD (Old School Square Historic Arts District) and is located within the Locally Designated Old School Square Historic District.

On January 17, 2024, the Historic Preservation Board denied a Certificate of Appropriateness (COA) for the demolition of a 1950, non-contributing, quadraplex structure and construction of a 2-story, French Colonial style duplex structure on Lot 1 of the Magnolia Place subdivision. The request and denial also included 4 variances and 1 waiver request as listed below:

Variances:

- A variance to exceed the maximum lot coverage from 40% to 41.3%;
- A variance to allow a reduction in the required 10' side interior setback to 6'5" for a swimming pool associated with the rear (west) duplex unit;

Project Planner: Michelle Hewett, Senior Planner, hewettm@mydelraybeach.com	Review Dates: February 4, 2026	Attachments: 1. Plans 2. Photographs 3. Artificial Turf Documents 4. Justification Statements
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- A variance to allow a reduction in the required 10' side interior setback to 6'5" for a swimming pool associated with the front (east) duplex unit; and,
- A variance to allow a reduction in the required 25' front setback to 9'10" for a swimming pool associated with the front (east) duplex unit.

Waiver:

- A waiver to the historic preservation Visual Compatibility Standards to allow the front duplex unit to encroach within the required Building Height Plane.

The COA, Variances, and Waiver requests were subsequently appealed by the owner/applicant to the City Commission who ultimately approved the request on February 20, 2024.

A building permit (24-220599) was issued for the subject property, and the project is nearing completion. However, artificial turf was installed, where sod was approved and permitted. Subsequently, a Certificate of Appropriateness application, with a Waiver and Variance were submitted, for the following:

Waiver:

To allow for the use of artificial turf on the subject property where it otherwise would not be permitted, pursuant to Land Development Regulation (LDR) Section 4.6.16(E)(12) – Artificial Turf

Variance:

To allow a reduction in the minimum required open space from 25% to 9.3% for the installation of Artificial Turf, pursuant to Land Development Regulation (LDR) Section 4.3.4(K).

The request is now before the board.

ZONING AND LANDSCAPE ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.12(A)(5), prior to approval, a finding must be made that any Certificate of Appropriateness is consistent with Historic Preservation purposes pursuant to Objective HPE 1.4 of the Historic Preservation Element of the Comprehensive Plan; the provisions of Section 4.5.1; the Delray Beach Historic Preservation Design Guidelines; and, the Secretary of the Interior's Standards for Rehabilitation.

ZONING USE AND REVIEW

Pursuant to LDR Section 4.4.24(F) – **Old School Square Historic Arts District (OSSHAD) Development Standards:** The use is residential (duplex), which is a permitted use within the OSSHAD zoning district.

Pursuant to LDR Section 4.3.4(K) Development Standards and LDR Appendix A Definitions, duplex structures within OSSHAD zoning district, in addition to the minimum 40% lot coverage restrictions, a minimum of 25% non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.

Pursuant to Appendix A of the LDRs – **OPEN SPACE.** All areas of natural plant communities or areas replanted with vegetation after construction, such as: revegetated natural areas; tree, shrub, hedge or ground cover planting areas; and lawns. Water bodies and artificial turf areas cannot be used to calculate open space areas.

LANDSCAPE REVIEW - ARTIFICIAL TURF:

Pursuant to Section 4.6.16(E)(12) – Artificial Turf

Artificial turf is allowed on both residential and non-residential properties, subject to the following requirements:

- a) General.
 - i. The installation of artificial turf requires a landscape permit.
 - ii. Artificial turf areas may not be included in open space calculations.
 - iii. Artificial turf is considered pervious but cannot be used within permanent drainage features, including ponds and swales.
 - iv. Artificial turf shall not be installed closer than five feet to the property line.
 - v. Artificial turf shall not be installed in or be visible from a public or private right-of-way.
 - vi. Artificial turf may be used in combination with living plants as part of a landscape design, but artificial turf shall not by inset constitute landscaping.
- b) Locational criteria.
 - i. Residential and commercial uses. Residential and commercial properties are subject to the following additional criteria:
 - 1. After building coverage, hardscaping areas, and minimum open space requirement areas are subtracted from the total lot area, no more than 15 percent of the remaining lot area may be comprised of artificial turf.
 - 2. Artificial turf is allowed in rear and interior side yards, and in side street yards when shielded from view. Artificial turf may also be used in conjunction with driveway pavers.
 - ii. Recreational uses. Artificial turf is allowed in recreational use areas, and is not required to be shielded from view.
 - iii. Historic. On properties located within a Historic District or on Individually Designated Sites, as listed on the Local Register of Historic Places, artificial turf is only allowed in rear and side yards and must be shielded from view.
- c) Materials and installation. All artificial turf must comply with the following minimum standards for materials and installation.
 - i. The artificial turf system shall be lead-free, and use recycled or organic plant-derived materials and natural infill components, including, but not limited to, cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be prohibited in all applications except for sports fields. Documentation must be provided that identifies all recyclable or natural components of the artificial turf system.
 - ii. Permit applications shall include Total Content Leach Protocol (TCLP) test documentation demonstrating that the artificial turf yarn and backing materials are disposable under normal conditions at any U.S. landfill station.
 - iii. A minimum eight-year manufacturer's warranty is required.
 - iv. All artificial turf shall be installed over a subgrade that provides positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material. Bases may not be comprised of sand only. Proper drainage shall be provided for all artificial turf installations to prevent runoff or pooling of water.
 - v. Artificial turf must be designed and permitted with a minimum permeability of 30 inches per hour per square yard.
 - vi. Artificial turf must have lifelike individual blades of grass that emulate natural turf or sod lawn areas with the grain pointing in a single direction, and no visible seams.

- vii. **Artificial turf shall not be installed directly against the trunk of trees or palms. A three-foot mulch bed measured from the base of the tree or palm must be maintained. Installation around existing trees shall be monitored and may be restricted to ensure that the overall health of the tree will not be compromised.**
- viii. **An in-progress inspection shall be required to ensure that the appropriate base material has been installed to manufacturer specifications. A final inspection shall also be required.**
- d) **Maintenance. Artificial turf shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, impressions, and fading. Maintenance shall include, but not be limited to cleaning, brushing, debris removal, repairs of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matter areas, weeds, and invasive roots, and maintenance of edges.**

The approved site plan and issued permit set indicated that all areas of open space were to be sodded in accordance with the requirements of the Land Development Regulations (LDR). The installed artificial turf does not meet the open space requirements nor all of the pertinent artificial turf requirements, thus a Waiver and Variance were submitted to address the after-the-fact installation. While relief has been requested from the entire artificial turf section, as installed, the artificial turf is meeting the following portions of the above code section per the applicant, for reference:

LDR Section 4.6.8(E)(12)(a)(iii). Artificial turf is considered pervious but cannot be used within permanent drainage features, including ponds and swales.

As the use of artificial turf is considered pervious, this will not affect drainage calculations, and as there are no permanent drainage features, that portion is not applicable. All required on-site retention is provided via underground exfiltration trenches.

LDR Section 4.6.8(E)(12)(c)(iv). All artificial turf shall be installed over a subgrade that provides positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material. Bases may not be comprised of sand only. Proper drainage shall be provided for all artificial turf installations to prevent runoff or pooling of water.

The artificial turf is installed over gravel base.

LDR Section 4.6.8(E)(12)(c)(v). Artificial turf must be designed and permitted with a minimum permeability of 30 inches per hour per square yard.

Per attached manufacturer's permeability test, the test infiltration rate is >100 in/hr.

The turf also appears to be meeting **LDR Section 4.6.8(E)(12)(c)(i) The artificial turf system shall be lead-free, and use recycled or organic plant-derived materials and natural infill components, including, but not limited to, cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be prohibited in all applications except for sports fields. Documentation must be provided that identifies all recyclable or natural components of the artificial turf system**, as the infill note on the artificial turf laboratory testing document indicates sand. Staff also conducted a site visit to confirm the appearance of the turf, which can be considered appropriate in accordance with **LDR Section 4.6.8(E)(12)(c)(vi) Artificial turf must have lifelike individual blades of grass that emulate natural turf or sod lawn areas with the grain pointing in a single direction, and no visible seams.** The turf is soft and was not hot to stand on.

All other portions of this section are not being met and require a Waiver. Specifically for historic review, there is concern with the use of artificial turf in the front and side street areas of the property. The artificial turf LDRs were developed to allow the use of turf where it would be shielded from view, such as rear and side yard areas, given it is a synthetic material and such are typically discouraged for use within historic districts. The project is considered new construction and it is noted that landscape review

and analysis is not typically required for single family/duplex structures, rather is reviewed at the time of building permit.

Review of the Variance for open space and the Waiver for use of artificial turf is noted later in this report.

HISTORIC PRESERVATION ANALYSIS

LDR SECTION 4.5.1

HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS

Pursuant to LDR Section 4.5.1(E), Development Standards, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Development Standards of this Section.

Pursuant to LDR Section 4.5.1E(2) – Major and Minor Development.

The subject application is considered "Minor Development" as it involves "new construction within the OSSHAD zoning district."

SECRETARY OF THE INTERIOR'S STANDARDS

Pursuant to LDR Section 4.5.1(E)(5) - Standards and Guidelines: a historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

Standard 1

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 4

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Standard 5

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old

in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Standard 7

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Standard 8

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Standard 9

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Standard 10

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The use of artificial turf on the subject property is a site related ground improvement. With the initial approval of the project, the City Commission made findings that the proposal was consistent with the requirements of the LDRs, which reference these Secretary of the Interior's Standards and Guidelines. Particularly applicable is Standard 9, which indicates that "*new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and the environment*". The proposal involved demolition of the existing structure and clearing of the site to accommodate the new construction, which included all landscape features such as trees and grass. However, it is noted that much of the Secretary of the Interior's Guidelines provide guidance towards the use of authentic materials that contribute to a site and its setting, in this case the Old School Square Historic District. The Guidelines provide specific recommended approaches to new construction to ensure compliance with these ten standards. Particularly as follows:

BUILDING SITE	
RECOMMENDED	NOT RECOMMENDED
Replacing in kind an entire feature of the site that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. Examples could include a walkway or a fountain, a land form, or plant material. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Removing a character-defining feature of the site that is unrepairable and not replacing it, or replacing it with a new feature that does not match.
	Using a substitute material for the replacement that does not convey the same appearance of the surviving site feature or that is physically or ecologically incompatible.
	Adding conjectural landscape features to the site (such as period reproduction light fixtures, fences, fountains, or vegetation) that are historically inappropriate, thereby creating an inaccurate appearance of the site.

SETTING (DISTRICT / NEIGHBORHOOD)

RECOMMENDED	NOT RECOMMENDED
<i>Replacing</i> in kind an entire building or landscape feature in the setting that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Removing a character-defining feature of the building or landscape from the setting that is unrepairable and not replacing it or replacing it with a new feature that does not match. Using a substitute material for the replacement that does not convey the same appearance of the surviving building or landscape feature in the setting or that is physically or ecologically incompatible.

Advancements have been made in the artificial turf industry, making the material more natural in appearance and function. Such as the use of individual blades of grass-like material, texture, and color. Some turf material is typically designed to be soft underfoot like organic grass/sod, it can be cooler to stand on, fade resistant, and non-toxic. Some turf material could be considered ecologically compatible from a drainage perspective in that water can drain through it. However, when turf needs to be replaced it must either be disposed of (landfill) or recycled as it is not an organic material like natural grass. Given the fact that most synthetic turf is manufactured from several different types of plastic, the recycling process is not straightforward and has not yet been perfected for wide use. While challenges exist in separating the materials making the recycling process complex, there are companies who specialize in repurposing the material.

The board will need to make a determination that the proposal is consistent and compatible with these Standards and Guidelines.

VISUAL COMPATIBILITY STANDARDS

Pursuant to LDR Section 4.5.1(E)(7) – **Visual Compatibility Standards**: new construction and all improvements to both contributing and noncontributing buildings, structures, and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to Height, Front Façade Proportion, Proportion of Openings, Rhythm of Solids to Voids, Rhythm of Buildings on Streets, Rhythm of Entrance and/or porch projections, Relationship of Materials, Texture, and Color, Roof Shapes, Walls of Continuity, Scale of a Building, Directional Expression of Front Elevation, Architectural Style, and Additions, as well other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1(E)(2) shall be determined by utilizing mentioned in this code section. Specifically, the following Visual Compatibility Standard is applicable to the subject application:

- g. Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.

The project has already been approved and constructed, and the request is for an after-the-fact installation of artificial turf where sod was approved to meet the requirements of open space. There is concern with the use of artificial turf (a synthetic material), regarding the **Relationship of Materials, Texture, and Colors** visual compatibility standard. The city's Landscape regulations relating to Artificial Turf within historic districts/sites were developed to ensure that the material could be utilized but with its use primarily being permitted in the rear or non-street facing sides of a property to protect the historic

integrity of historic sites and districts. In this instance, the artificial turf is proposed (installed) throughout the site including the front and street facing side. Given the nature and design of the site which included variances and waivers to reduce setbacks and exceed lot coverage, there are limited areas where natural open space was to be accommodated. Further, there are small swimming pools or “splash pools” situated in the front yard (and rear) of the property and the applicant has indicated that the installation of sod is not feasible from a maintenance perspective around the pools. While artificial turf is installed in all areas where sod was to be placed, it is noted that there are landscape areas surrounding the perimeter of the site, that incorporate hedging, ground cover, and trees. The board will need to make a determination that the use of artificial turf is appropriate and compatible for the site and district.

WAIVER ANALYSIS

Pursuant to LDR Section 2.1.9(E)(12)(f), Board Actions. The Board hereby has the authority to take action on the following items associated with property, sites, and structures located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I), pursuant to the procedures and standards of the LDR: Relief to Section 4.6.16, Landscape Regulations, through the waiver process.

Pursuant to LDR Section 2.4.11(B) A waiver involves the granting of partial or total relief from a specific development regulation. A waiver may be granted to the procedural and substantive provisions of these regulations. A waiver may be granted only for those substantive items within these regulations for which such provision is made. A waiver to substantive provisions may be granted only by the approving body with the final authority to approve or deny the related development application.

Pursuant to Section 4.6.16(E)(12) – Artificial turf is allowed on both residential and non-residential properties, subject to the following requirements:

a) General.

- vii. The installation of artificial turf requires a landscape permit.
- viii. Artificial turf areas may not be included in open space calculations.
- ix. Artificial turf is considered pervious but cannot be used within permanent drainage features, including ponds and swales.
- x. Artificial turf shall not be installed closer than five feet to the property line.
- xi. Artificial turf shall not be installed in or be visible from a public or private right-of-way.
- xii. Artificial turf may be used in combination with living plants as part of a landscape design, but artificial turf shall not by inset constitute landscaping.

b) Locational criteria.

- iv. Residential and commercial uses. Residential and commercial properties are subject to the following additional criteria:
 - 1. After building coverage, hardscaping areas, and minimum open space requirement areas are subtracted from the total lot area, no more than 15 percent of the remaining lot area may be comprised of artificial turf.
 - 2. Artificial turf is allowed in rear and interior side yards, and in side street yards when shielded from view. Artificial turf may also be used in conjunction with driveway pavers.
- v. Recreational uses. Artificial turf is allowed in recreational use areas, and is not required to be shielded from view.

- vi. **Historic.** On properties located within a Historic District or on Individually Designated Sites, as listed on the Local Register of Historic Places, artificial turf is only allowed in rear and side yards and must be shielded from view.
- c) **Materials and installation.**All artificial turf must comply with the following minimum standards for materials and installation.
 - i. The artificial turf system shall be lead-free, and use recycled or organic plant-derived materials and natural infill components, including, but not limited to, cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be prohibited in all applications except for sports fields. Documentation must be provided that identifies all recyclable or natural components of the artificial turf system.
 - ii. Permit applications shall include Total Content Leach Protocol (TCLP) test documentation demonstrating that the artificial turf yarn and backing materials are disposable under normal conditions at any U.S. landfill station.
 - iii. A minimum eight-year manufacturer's warranty is required.
 - iv. All artificial turf shall be installed over a subgrade that provides positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material. Bases may not be comprised of sand only. Proper drainage shall be provided for all artificial turf installations to prevent runoff or pooling of water.
 - v. Artificial turf must be designed and permitted with a minimum permeability of 30 inches per hour per square yard.
 - vi. Artificial turf must have lifelike individual blades of grass that emulate natural turf or sod lawn areas with the grain pointing in a single direction, and no visible seams.
 - vii. Artificial turf shall not be installed directly against the trunk of trees or palms. A three-foot mulch bed measured from the base of the tree or palm must be maintained. Installation around existing trees shall be monitored and may be restricted to ensure that the overall health of the tree will not be compromised.
 - viii. An in-progress inspection shall be required to ensure that the appropriate base material has been installed to manufacturer specifications. A final inspection shall also be required.
- d) **Maintenance.** Artificial turf shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, impressions, and fading. Maintenance shall include, but not be limited to cleaning, brushing, debris removal, repairs of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matter areas, weeds, and invasive roots, and maintenance of edges.

The request is for an after-the fact installation of artificial turf that does not comply with the entirety of this LDR section.

Pursuant to LDR Section 2.4.11(B)(5) – Findings: The following findings must be made prior to approval of a waiver:

(a) Shall not adversely affect the neighboring area;

The installed artificial turf is contained within the site. As this is considered a ground level improvement, there is no concern with the proposed artificial turf impacting neighboring areas. Additionally, the laboratory testing document for the turf indicates that it exceeds the permeability test minimum, reducing the concern of any drainage impacts to neighboring areas.

(b) Shall not significantly diminish the provision of public facilities;

The artificial turf is within the boundaries of the subject property and is not anticipated to diminish the provision of public facilities.

(c) Shall not create an unsafe situation; and

Installation of artificial turf on the subject property is not anticipated to create an unsafe situation.

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The LDRs relating to artificial turf were developed with consideration given to historic properties. As such, the use of artificial turf is limited to the rear and side of properties where it must be shielded from view. There are few instances where turf is utilized in historic districts, it is either not visible from the right-of-way or placed prior to the addition of the artificial turf LDRs. There is concern that this waiver may not be granted to another applicant or owner under similar circumstances, because it also involves approval of a Variance to reduce the required open space. With that said, the artificial turf is permeable and is anticipated to allow for proper drainage of the site. Finally, the installed turf does emulate the appearance of real grass, and its configuration on the site creates small areas that could be seen as difficult to maintain if it were natural grass/sod.

The board will need to make a determination that the proposal meets the above waiver findings. The property owner has submitted justification statement for the waiver request (attached).

VARIANCE ANALYSIS

Pursuant to LDR Section 2.1.9(E)(12)(d)(1), Board Actions. The Board hereby has the authority to take action on the following items associated with property, sites, and structures located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I), pursuant to the procedures and standards of the LDR, as follows:

- **Variances - Base district development standards, Section 4.3.4, unless otherwise stated.**

Pursuant to LDR Section 2.4.11(A) A variance is a departure from the dimensional or numeric requirements of these land development regulations where such variance will not be contrary to the public interest and where, owing to the existing conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Pursuant to LDR Section 4.3.4(K) Development Standards, duplex structures within OSSHAD zoning district, in addition to lot coverage restrictions (a minimum of 40%), a minimum of 25-percent non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.

The request is to reduce the minimum required 25% open space to 9.3% for the newly constructed duplex site.

Pursuant to LDR Section 2.4.11(A)(6) – Alternative Findings of the Historic Preservation Board: The Board may be guided by the following to make findings as an alternative to the variance standard criteria:

- a. **That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.**

As this property is new construction, there is no concern that the variance will be necessary to maintain the historic character of the property. The variance is not anticipated to be contrary to the public interest, safety, or welfare.

- b. **That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.**

There are special conditions and circumstances which were granted via the previous approval to allow a reduced lot width, lot frontage, for the new construction duplex to exceed the maximum lot coverage, and reduce the required pool setbacks, providing minimal open space left to meet the 25% requirement. This special condition and circumstance, however, is not due to the property being a historic site, setting, or structure. The installation of artificial turf results in a reduction in the approved open space of 25.2% to 9.3%. There is concern that the large reduction in open space may not be granted for other sites in the same zoning district.

- c. **That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.**

Literal interpretation of the provisions of existing ordinances would require a minimum of 25% of open space to be provided on the site, a minimum standard applicable to all properties within the subject historic district. Given the nature of the project as new construction, historic character does not exist on site. With that said, application of the historic preservation regulations of the LDRs require the project to be consistent and compatible with the overall historic district as well as the structures within the district. Further, should the artificial turf be utilized in the sides and rear of the site and not the front, it may be possible for the open space requirements to have been met.

- d. **That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

The use of artificial turf is a ground level improvement that is reserved for use in the rear and sides of the property. Typically, this configuration allows for natural landscape material to be utilized in the front of a site aiding in counting towards the 25% open space requirement. Given the location of the small swimming pools in front of each unit, the applicant has indicated that such configuration presents a maintenance concern.

- e. **That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.**

This is new construction within the Old School Square Historic District. There is no proposed adaptive reuse of the structure, or site.

The board will need to make a determination that the proposal meets the above Variance findings. The property owner has submitted justification statement for the variance request (attached).

Note: As required by the LDRs, a notice regarding the subject variance request was sent to those property owners located within a 500 feet radius of the subject property.

COMPREHENSIVE PLAN

Pursuant to the Historic Preservation Element (HPE), Objective 1.4, Historic Preservation Planning: Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.

The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and, where applicable, architectural design guidelines through the following policies:

HPE Policy 1.4.1 - Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.

The subject request involves a COA, Waiver, and Variance for the installation of artificial turf and for relief from open space and artificial turf requirements associated with a development approval for the newly constructed duplex structure. With respect to the adjacent land uses, the property is a duplex structure and is in an area surrounded by a mix of residential and commercial uses including multi-family residential, duplexes, and offices. The board will need to make a determination that the proposal can be found to be consistent with the requirements of the Comprehensive Plan, and the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the "Delray Beach Historic Preservation Design Guidelines".

SITE PLAN TECHNICAL ITEMS

1. Artificial turf shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, impressions, and fading. Maintenance shall include, but not be limited to cleaning, brushing, debris removal, repairs of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matter areas, weeds, and invasive roots, and maintenance of edges;
2. Provide a section of the installed artificial turf; and
3. Show the length of the planter between the driveways as constructed.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness, Variance, and Waiver (HP-424-2026), for the property located at **170-176 SE 1st Avenue, Old School Square Historic District**, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Approve Certificate of Appropriateness, Variance, and Waiver (HP-424-2026), for the property located at **170-176 SE 1st Avenue, Old School Square Historic District**, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, subject to conditions.
- D. Deny Certificate of Appropriateness, Variance, and Waiver (HP-424-2026), for the property located at **170-176 SE 1st Avenue, Old School Square Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

PUBLIC AND COURTESY NOTICES

☒ Courtesy Notices are not applicable to this request	☒ Public Notice was mailed to property owners within a 500 feet radius on 1/23/26, 10 days prior to the meeting. ☒ Agenda was posted on 1/28/26, 5 working days prior to meeting. ☒ The site was posted on 1/28/26, 7 calendar days prior to the meeting.
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TAC Timeline Table

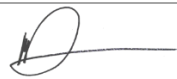
Review No.	Submittal Date	TAC Comments Transmitted	Board Meeting Date
1	1/20/2026	Determined Board Ready 1/22/2026	HPB Scheduled- 2/04/2026

LABORATORY TESTING

BS EN 12616 PERMEABILITY



Project Information

Project Name	Doral Florida Lab Infiltration EN 126161 (ASTM F1551) Permeability Evaluation		
Client Info	RealTurf USA 7777 Katy Fwy, Suite 3101 Houston, TX 77024		
Report Date	11/23/2016	Test Date	11/22/2016
Report Status	Final	Job No.	91674/1759s
Prepared by	Kieran O'Donnell Field Operation Manager		
Checked By	Jeffrey Gentile Laboratory Director		

Notes:

1. This report has been prepared by Sports Labs USA with all reasonable skill, care and diligence within the terms of the contract with the Client and within the limitations of the resources devoted to it.
2. This report is confidential to the Client and Sports Labs USA accepts no responsibility whatsoever to third parties to whom this report, or any part thereof, is made known. Any such party relies upon the report at their own risk.
3. This report shall not be used for engineering or contractual purposes unless signed by the Author and the Checker and unless the report status is "Final."

Summary

Sports Labs USA was commissioned to perform permeability testing. The purpose of this testing was to provide permeability rates for the tested surface. The tests performed were per the following standard:

- EN 126161 (ASTM F1551)- Surfaces for sports areas - Determination of water infiltration rate test.
- A water temperature correction factor was used per EN 126161 (ASTM F1551).

Quick Reference Results Summary

	Average	(min)	Range	(max)
Infiltration Rate w/ Correction factor (in/hr)	>100	>100	to	>100

INFORMATION, ADVICE & KNOW-HOW: FROM THE SYNTHETIC SPORTS SURFACE EXPERTS



SPORTS LABS USA

Unit #2 • 155 River Road • Bow • New Hampshire • 03304
Telephone: (603) 715-5453 • E-Mail: Info@sportslabsusa.com
November 23, 2016 • Page 1 of 2



LABORATORY TESTING

BS EN 12616 PERMEABILITY



Table Contents

Project Information	1
Summary	1
General Information	2
Results Table.....	2
End of Report.....	2

General Information

Device	Double Ring Infiltrometer	Test Methods	EN 126161 (ASTM F1551)
Install Date	n/a	Test Date	11/22/2016
Field Orientation	n/a	Primary Sport	n/a
Surface Type	RealTurf	Infill System	Sand
Underlayment	None	Local Air Temp (° F)	72
Surface Temperature	72	Weather Conditions	Indoor
Water Temperature	61	Humidity %	45

Results Table

Sample Description	Permeability Rate (in/hr)
RealTurf	>100

End of Report

INFORMATION, ADVICE & KNOW-HOW: FROM THE SYNTHETIC SPORTS SURFACE EXPERTS



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 Telephone: (603) 715-5453 • E-Mail: Info@sportslabsusa.com
 November 23, 2016 • Page 2 of 2





► Specifications

Spec Name	Spec Value
Pile Height:	1.25"
Face Weight:	75 oz/yd ²
Total Weight:	102 oz/yd ²
Fiber Shape:	C + Flat
Fiber Type:	Polyethylene (PE) Monofilament & Polypropylene (PP) Thatch
Fiber Color:	Two-Tones Emerald & Olive
Thatch Color:	Tan
Drainage:	Hole-Punched
Primary Backing:	Double Polypropylene (PP)
Secondary Backing:	Polyurethane (PU)
Antimicrobial:	Yes
UV Protection:	Yes
Recommended Infill:	1.5-2.5 lb/ft ² silica sand size 30/50
Warranty	10 Years
Roll Size:	15 ft x 100 ft

Eco C Garden

Eco C combines looks and durability. Eco C has an incredible ability to recover, which makes it ideal for all types of gardens, from commercial to private. This model is plush, soft, and at the same time will give your lawn a natural look with great resilience.



Specifications



General data

Color	Two tones emerald with two tones olive
Roll size	15 ft x 100 ft

Specifications

Composition	Polyethylene and Polypropylene in curl
Type	C + Flat
Dtex	4,500
Pile height	1" 1/4"
Gauge	3/8"
Stitches/ft²	1,950
Fiber weight	75 oz/yd²
Total weight	100 oz/yd²
Primary backing	Double PP
Secondary backing	PU Backing

Test and certificates

DURABILITY

UV Stability Scale >3 (UNE-EN 20105-A02)
Permeability 14 gpm/yd²
Chlorinated water stability (ISO 105-E 03:2010)

SAFETY 100%

Bacteria free (ASTM G 21:2013)
Non toxic (EN 71-3)
Non flammable (EN 13501 Dfl-s1)

ECO

Zero Waste
ISO 14.001
100% Recyclable (CSIC)

Infill

Recommended infill 1-2 lb/ft² silica sand size 30/50

realturf



11850 Hempstead Rd #290
Houston, Texas 77092 USA
Phone: +1 (773) 517-7798
Office@realturfusa.com

Review: 2
Data of approval: 02/02/2023

Realturf Systems S.L. reserves the rights to modify the technical characteristics of the products described. The declared values will admit the tolerances established by the ISO regulation that it should apply in every case. Realturf Systems S.L. guarantees the technical quality of the product.

Items	Description
Eco C by Real Turf	Eco C has an incredible ability to recover, which makes it ideal for all types of gardens, from commercial to private. This model is plush, soft, and at the same time will give your lawn a natural look with great resilience.
Labor and Installation	Labor cost to prepare base, edging and installation of turf to specified areas
Sub Base	DOT base material is the ideal sub-base for artificial turf, providing superior drainage, stability, and durability. We install a 4" thick base that compacts well to create a solid, even foundation, preventing movement over time. Built to withstand heavy traffic and weather conditions, it ensures long-lasting performance. Additionally, it levels the ground for a smooth, professional finish, enhancing both aesthetics and playability.
Pearock	Pea rock is an excellent sub-base for artificial turf, providing superior drainage to prevent water pooling. Its smooth, rounded stones create a stable foundation, evenly distributing weight to reduce settling or shifting. Lightweight yet supportive, it is easy to handle and install while maintaining turf integrity. This durable, effective solution ensures long-lasting performance for artificial grass.
Polyboards	Polyboard is a fantastic edging solution for any synthetic turf installation due to its durability and versatility as it can be bent and curved to fit any landscaping need. Featuring a redwood aesthetic to compliment any landscape, Polyboard is made from recycled materials, waterproof, and durable enough to withstand chipping and breakage.
20/30 Silica	20/30 silica sand is a top-choice infill for artificial turf, offering stability, support, and durability. Its ideal particle size prevents compaction, keeping turf resilient and well-shaped. This infill also enhances drainage, reducing water buildup and ensuring a consistent, natural feel. Perfect for long-term performance, it's an optimal solution for artificial grass installations.

January 13, 2026

City of Delray Beach
Attn: Patrick Figurella
434 S Swinton Ave
Delray Beach, FL 33444

RE: Magnolia Place – Turf Drainage

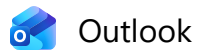
The use of artificial turf for the 10-unit duplex development, Magnolia Place, located at 130-176 SE 1st Avenue will comply with the Delray Beach LDR, 4.616(12) as it relates to drainage. Below are the limitations from the LDR for the use of Artificial Turf as related to drainage and explanations of compliance with these sections.

- (12) (a) (iii) Artificial turf is considered pervious – *As the use of artificial turf is considered pervious, this will not affect drainage calculations.*
- (continued)but cannot be used within permanent drainage features, including ponds and swales. *Not Applicable. All required on-site retention is provided via underground exfiltration trenches.*
- (12)(c)(iv) Artificial turf shall be installed over a subgrade that provides positive drainage... *The artificial turf is installed over gravel base.*
- (12)(c)(v) minimum permeability of 30 inches per hour per square yard *Per attached manufacturer's permeability test, the test infiltration rate is >100 in/hr*

As demonstrated the use of Artificial Turf is in compliance with the Delray Beach LDR's as it relates to the drainage improvements for Magnolia Place.

Certified By:
EnviroDesign Associates, Inc.

Joseph A. Pike, P.E., Pres
FL Registration No. 42696
FL Certificate of Authorization #6506



(No subject)

From Jessica Hazel <hoberjl@gmail.com>

Date Wed 2026-01-14 8:02 AM

To Jessica Hazel <reception@seasidebuildersfla.com>



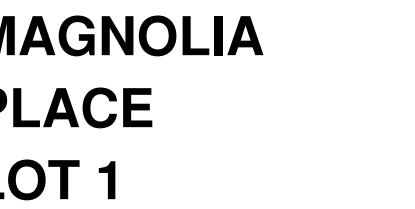








Thank you,
Jessica Hazel



**70 & 176 SE 1ST AVE
ELRAY BEACH, FL**

VISIONS

REVISÉ 8/21/23 AS PER H.P.B. COMMENTS:

REVISED 11/6/23 AS PER H.P.B. COMMENTS:
 1. UPDATED POOL FENCE CONFIGURATIONS • THE

2. PROVIDED 20'-0" RADIUS @ SE 2ND ST & ALLEY

1. REVISED PERVIOUS VS IMPVIOUS
CALCULATIONS TO MEET OPEN SPACE
CALCULATIONS - REDUCED EQUI. PADS AND

REVISED 9/20/24 AS PER H.P.B. COMMENTS:
CHANGED PVC FENCE TO WOODEN FENCE.

REVISED 11/5/24 AS PER PLANNING COMMENTS:
L ADDED DIMENSION TO SHOW 4'-0" GROUND

REVISED 11/20/24 AS PER PLANNING COMMENTS:
1. ADJUSTED LOWER SHED ROOF OVERHANG 80

REVISED 1/20/25 AS PER BUILDER;
CHANGED POOL LAYOUT AND SIZES.

REVISED 7/17/25 AS PER BUILDER:
ADDED WOOD ARBORS (MAX. HEIGHT AT 8'-0").

REVISID 02/07/2015 AS PER BUILDING
REQUESTED VARIANCE FOR OPEN SPACE AND
WAIVER FOR ARTIFICIAL TURF.

THIS DRAWING IS NOT FOR CONSTRUCTION.
IT HAS BEEN ISSUED FOR GOVERNMENTAL
REVIEW AND/OR PRELIMINARY PRICING
ONLY.

FILE NUMBER	109A100A
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DRAWING TITLE

PROPOSED PLAN LOT 1

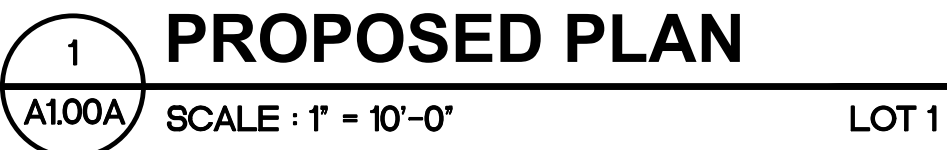
DATE | DRAWN BY

2.16.23 | GE/MJ

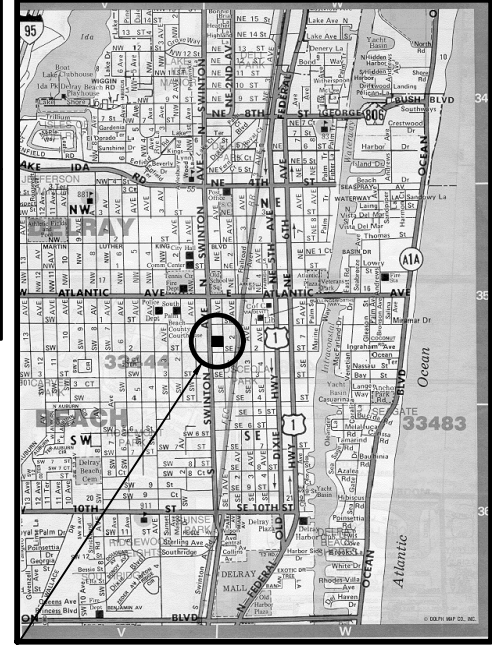
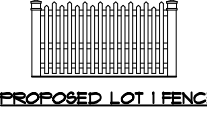
B. NUMBER **20230109**

DRAWING NUMBER

A1.00A



DESCRIPTION:
THE SOUTH HALF OF LOT 13 AND ALL OF LOTS 14 THROUGH 18, INCLUSIVE, BLOCK 10, ANTEIATED FLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 10 ORIGINAL TOWN OF LINTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE II, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, CONTAINING 42,135 SQUARE FEET OR 0.9811 ACRES MORE OR LESS.



PROPOSED PROJECT IS LOCATED ON THE
NW CORNER OF SW SECOND STREET AND
SE FIRST AVENUE.

PROJECT RELIEF REQUEST ITEMS:		
REQUEST:	REQUIREMENT	PROPOSED REQUEST
VARIANCES		
SWAPPING POOLS		
PORT YARD MITRACK	4.3X4.0 - 25'	5' 10"
BASE YARD MITRACK	5.8X6.0X17.0 - 10'	6' 35"
MITRACKS MEASURED FROM THE PROPERTY LINE TO THE WATER'S EDGE		
OPEN SPACE	OPEN SPACE - 4.3X4.0 - 25%	5.5%
WATERS		
LOT COVERAGE	LOT COVERAGE - 4.3X4.0 - 40%	41.5%
VISUAL CONFORTLINE	LOT SECTION 4.5X17X14	21'
WATER TO ADJACENT LOT		
ALLOWABLE INITIAL TURN	SECTION 4.6X16X17.0 - 3.50FT.	7.55 3.50FT.

AREA CALCULATIONS	
TWO STORY DUPLEX (PER UNIT)	
PROPOSED FIRST FLOOR UNDER A/C	1,075 S/F
PROPOSED 2 CAR GARAGE	544 S/F
PROPOSED FRONT COVERED PORCH	18 S/F
PROPOSED SIDE TERRACE	795 S/F
PROPOSED FIRST FLOOR UNDER ROOF	1,761 S/F
PROPOSED SECOND FLOOR UNDER A/C	1,335 S/F
PROPOSED FRONT COVERED PORCH	12 S/F
PROPOSED TRELLIS / TERRACE PORCH	28 S/F
PROPOSED SIDE COVERED PORCH	14 S/F
PROPOSED SECOND FLOOR UNDER ROOF	1,571 S/F
TOTAL FLOOR UNDER A/C	2,414 S/F
TOTAL FLOOR AREA PER UNIT (ENCLOSED SPACE + 50% OF GARAGE)	2,893 S/F
TOTAL FLOOR AREA UNDER ROOF (INCLUDES EXTERIOR COVERED PORCHES)	3,332 S/F
TOTAL SITE AREA	8,489 S/F
TOTAL BLDG FOOTPRINT	3,902 S/F
TOTAL LOT COVERAGE =	3,902 / 8,489 = 46.3%

FAR CALCULATIONS	
TOTAL FLOOR AREA	6,644 S.F.
TOTAL LOT AREA	8,489 S.F.
FLOOR AREA RATIO =	$6,644 / 8,489 = 0.78$

PROPOSED SETBACKS:			
	REQUIRED	PROPOSED GROUND FLOOR	PROPOSED SECOND FLOOR
FRONT	25'-0"	25'-6" TO 25'-5"	25'-5" TO 31'-2"
SIDE INTERIOR (NORTH)	7'-6"	7'-8"	7'-8"
SIDE STREET (SOUTH)	5'-0"	15'-1"	15'-1"
REAR	10'-0"	18'-6" TO 27'-11"	27'-11" TO 27'-11"
ALLOWABLE HT.	35'-0" (MEAN ROOF HT.)	28'-2" (MEAN ROOF HT.)	
(ABOVE FBC - FREEBOARD / ELEVATION)			

LIGHTING LEGEND:

	SA	MANUFACTURER: SPRING CITY *DLR-LE095-2G2-40-CR3-GR18-H55
	SB	MANUFACTURER: KICHLER HARBOR ROW 459110Z - 'OLDE BRONZE'

LEGEND:	
	PROPOSED GUEST PARKING
	RIGHT TRIANGLE
	LOT 13, & 5 CONCRETE ROOF TILE
	LOT 2 & 4 METAL BEAM ROOF
	PROPOSED PAVEMENT SIDEWALK (MATCH CITY PAVEMENT PATTERN)
	DRIVEWAY PAVEMENT
	POOL DECK

NOTES:

1. DO NOT SCALE DRAWINGS!
2. FIELD VERIFY ALL DIMENSIONS!
3. CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS, AND NOTIFY ARCHITECT IF ANY DISCREPANCY W/ DRAWINGS. (SEE GENERAL NOTES)
4. ALL AREA CALCULATIONS ARE APPROX.
5. CONTRACTOR TO FIELD COORDINATE ALL ALL PROPOSED GRADE ELEVATIONS W/ CIVIL DRAWINGS.

GENERAL NOTES:

1. IT IS THE INTENT OF THE ARCHITECT THAT THIS WORK BE IN CONFORMANCE WITH ALL REQUIREMENTS OF THE BUILDING DEPARTMENT AND ALL ORDINANCES OVER THIS TYPE OF CONSTRUCTION AND OCCUPANCY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONFORMANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
2. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOBSITE PRIOR TO THE BEGINNING OF WORK. THE CONTRACTOR SHALL REPAIR ALL DISCREPANCIES BETWEEN THE DRAWINGS AND THE EXISTING CONDITIONS AT THE ARCHITECT PRIOR TO COMMENCING WORK.
3. CONTRACTOR SHALL SUPPLY, LOCATE AND BUILD ALL STRUCTURES AND WORK. THIS INCLUDES BUT IS NOT LIMITED TO: PLATES, OPENINGS, SLEEVES, HANGERS, SLABS, BRACKETS, BOLTS, WELDS, ETC. THE CONTRACTOR IS TO ATTACH AND ACCOMMODATE OTHER WORK.
4. ALL DETAILS AND SECTIONS SHOWN ON THE DRAWINGS AND SPECIFICATIONS ARE TYPICAL AND SHALL BE CONSIDERED TO APPLY TO ANY SIMILAR SITUATION UNLESS OTHERWISE NOTED. DIFFERENT DETAIL IS SHOWN.
5. THESE DOCUMENTS, AND INSTRUMENTS OF SERVICE, ARE THE PROPERTY OF THE ARCHITECT AND SHALL NOT BE USED OR REPRODUCED WITHOUT EXPRESSED WRITTEN PERMISSION OF THE ARCHITECT.

architecture, planning & design

1045 e. atlantic ave, suite 303
delray beach, fl 33483

tel 561.276.6011
fax 561.276.6129

JUSTIFICATION LETTER

January 14, 2026

City of Delray Beach
Development Services
100 N. W. 1st Avenue
Delray Beach, Fl. 33444

Re: Magnolia Place (Lot 1)
170/176 SE 1st Avenue
Relief from LDR Section 4.3.4(K) – Open Space
Delray Beach, Florida 33483

To Whom It May Concern:

This letter is to provide justification for a variance from the Historic Preservation Board to reduce open space.

We are requesting relief from LDR Section 4.3.4(K) as follows:

Item #1: Reduce open space from 25% to 9.3% (minimum is 25%)

LDR Section 2.4.11(A)6

(6) ***Findings of the Historic Preservation Board.*** Instead of the criteria above, the following findings must be made by the Historic Preservation Board prior to the approval of a variance:

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.

We believe the granting of this variance is justified at the above property due to this having no visual impact on the historic character of the neighborhood. The visual elements of the property are the installed trees, bushes and ground cover which are code compliant and create a lush setting for the lot.

- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.

We believe the granting of this variance is justified at the above property due to the open space is actually met with the minimum square footage; it is that the installed "artificial turf" does not qualify as open space, even though it drains and performs the same as grass. This is a downtown urban setting and the code requirements on "artificial turf" are written as "one shoe fits all" and are a blanket code across the City of Delray Beach that do not take into consideration property sizes and locations.

- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.

We believe item 'c' is not applicable as this request does not and will not alter the historic character of the downtown historic district. The physical "open space" is met, it's the ground surface material for which we are requesting relief from the code.

- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.

Similar to item 'c', we believe item 'd' is not applicable as this request does not and will not diminish the historic character of the downtown historic district.

- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.

This is more about a downtown urban setting where the code should be formulated differently from other parts of the city ordinance. The code should be written to accommodate the downtown adaptive reuse of sites in an urban setting similar to the CBD.

The property is located in the historic OSSHAD zoning with the following required setbacks:

Front setback: 25'-0"

Side street setback: 15'-0"

Side interior setback: 7'-6"

Rear setback: 10'-0"

Should you have any questions, please feel free to contact me at our office (561) 276-6011.

Sincerely yours,

Gary P. Ellopoulos, AIA, NCARB
President



architecture, planning & design

1045 e. atlantic ave, suite 303
delray beach, fl 33483

tel 561.276.6011
fax 561.276.6129

January 14, 2026

City of Delray Beach
Development Services Division
100 N. W. 1st Avenue
Delray Beach, Fl. 33444

Re: Magnolia Place (Lot 1)
170/176 SE 1st Avenue
Waiver from LDR Section 4.6.16(E)(12) – Artificial Turf
Delray Beach, Florida 33483

To Whom It May Concern:

Please accept this letter requesting a waiver from the Historic Preservation Board for Magnolia Place for Lot 1 of the duplex residences at the above-mentioned property.

We are requesting a waiver from the requirements LDR Section 4.6.16(E)(12), which states:

LDR Section 4.6.16(E)(12) - Artificial Turf. Artificial turf is allowed on both residential and non-residential properties, subject to the following requirements:

- (a) General.
 - (i) The installation of artificial turf requires a landscape permit. **Acknowledged.**
 - (ii) Artificial turf areas may not be included in open space calculations. **Variance requested.**
 - (iii) Artificial turf is considered previous but cannot be used within permanent drainage features, including ponds and swales. **This requirement has not been met but our civil engineer has provided calculations demonstrating that the drainage does properly function with the installed turf.**
 - (iv) Artificial turf shall not be installed closer than five feet to the property line. **This requirement has not been met, there are areas where the turf is within 2'-0" of the property line.**
 - (v) Artificial turf shall not be installed in or be visible from a public or private right-of-way. **This requirement has not been met, there has been turf installed within the front yard.**
 - (vi) Artificial turf may be used in combination with living plants as part of a landscape design, but artificial turf shall not by inset constitute landscaping. **Artificial turf is being utilized with live plants but installed as a border and not inset into the turf.**

(b) Locational criteria.

(i) Residential and commercial uses. Residential and commercial properties are subject to the following additional criteria:

1. After building coverage, hardscaping areas, and minimum open space requirement areas are subtracted from the total lot area, no more than 15 percent of the remaining lot area may be comprised of artificial turf. **Code requirement for this lot is 3 sq. ft., proposed request for 793 sq. ft.**
2. Artificial turf is allowed in rear and interior side yards, and in side street yards when shielded from view. Artificial turf may also be used in conjunction with driveway pavers. **This requirement has been met.**

~~(ii) Recreational uses. Artificial turf is allowed in recreational use areas, and is not required to be shielded from view. (Ord. No. 11-23, § 3, 9-5-23) Not applicable.~~

(iii) Historic. On properties located within a Historic District or on Individually Designated Sites, as listed on the Local Register of Historic Places, artificial turf is only allowed in rear and side yards and must be shielded from view. **This requirement has not been met because turf has been installed in the front yards.**

(c) Materials and installation. All artificial turf must comply with the following minimum standards for materials and installation.

- (i) The artificial turf system shall be lead-free, and use recycled or organic plant-derived materials and natural infill components, including, but not limited to, cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be prohibited in all applications except for sports fields. Documentation must be provided that identifies all recyclable or natural components of the artificial turf system. **100% recyclable, see attached documentation.**
- (ii) Permit applications shall include Total Content Leach Protocol (TCLP) test documentation demonstrating that the artificial turf yarn and backing materials are disposable under normal conditions at any U.S. landfill station. **100% bacteria free, non-toxic and non-flammable.**
- (iii) A minimum eight-year manufacturer's warranty is required. **10-year warranty with turf product installed.**
- (iv) All artificial turf shall be installed over a subgrade that provides positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material. Bases may not be comprised of sand only. Proper drainage shall be provided for all artificial turf installations to prevent runoff or pooling of water. **Turf was installed over "Pearock" and "20/30 Silica".**
- (v) Artificial turf must be designed and permitted with a minimum permeability of 30 inches per hour per square yard. **See attached letter from civil engineer on drainage performance.**
- (vi) Artificial turf must have lifelike individual blades of grass that emulate natural turf or sod lawn areas with the grain pointing in a single direction, and no visible seams. **Product and installation meets and satisfy these criteria.**
- (vii) Artificial turf shall not be installed directly against the trunk of trees or palms. A three-foot mulch bed measured from the base of the tree or palm must be maintained. Installation around existing trees shall be monitored and may be restricted to ensure that the overall health of the tree will not be compromised. **This requirement was met with the installation and will continue to be monitored through the HOA documents.**

- (viii) An in-progress inspection shall be required to ensure that the appropriate base material has been installed to manufacturer specifications. A final inspection shall also be required. **Acknowledged.**
- (d) Maintenance. Artificial turf shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, impressions, and fading. Maintenance shall include, but not be limited to cleaning, brushing, debris removal, repairs of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matter areas, weeds, and invasive roots, and maintenance of edges. **Acknowledged.**

Per LDR Section 2.4.11 (B)(5), **Findings.** Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;

We believe the granting of this waiver is justified at the above property due to this not visually impacting the historic character of the neighborhood. The visual elements of the property are the installed trees and bushes which are code-compliant and creating a lush setting for the lot.

- (b) Shall not significantly diminish the provision of public facilities;

Will have no impact on the provisions of the public facilities.

- (c) Shall not create an unsafe situation; and

Will not create an unsafe situation.

- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

We believe that this waiver request would be granted to other properties with similar downtown urban locations due to the way the current code for "artificial turf" is written for the entire City of Delray Beach. As written, this property would be allowed 3 square feet.

The property is located in the historic OSSHAD zoning with the following required setbacks:

Front setback: 25'-0"

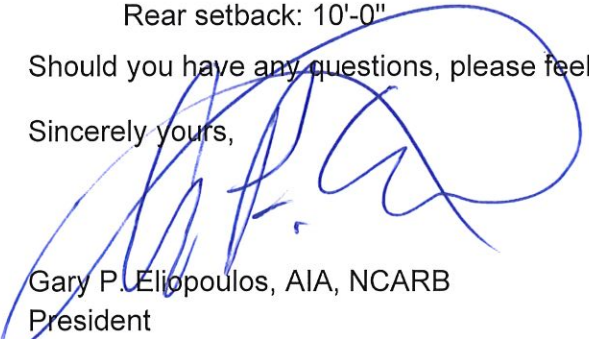
Side street setback: 15'-0"

Side interior setback: 7'-6"

Rear setback: 10'-0"

Should you have any questions, please feel free to contact me at our office (561) 276-6011.

Sincerely yours,


Gary P. Eliopoulos, AIA, NCARB
President